

APPROVED: Meeting No. 38-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

MEETING NO. 37-87

September 14, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, September 14, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In Attendance: City Manager Richard Robinson, City Clerk Helen Heneghan, City Attorney Paul Glasgow.

Re: Invocation.

The invocation was given by Reverend Kenneth A. Meade, Church of Christ at Manor Woods.

Re: City Manager's Report

City Manager Robinson reported the following:

1. Sunday, September 13th was the date of the first employee picnic. It was a tremendous success. Over 250 employees and their families attended and participated in various games for adults and children. City Manager Robinson thanked the Mayor and Council for the funds necessary to help pay for the picnic.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Election Administrator, Marie Garber, will be out due to the death of her mother. The Mayor and Council would like to extend their condolences to Mrs. Garber and her family.
2. The trip to Pinneberg, Germany, was wonderful. The Mayor and Council were overwhelmed with the hospitality that was shown to them by the officials and citizens of Pinneberg. There was a welcome group waiting at the airport in Pinneberg on the day of arrival, Mayor Kath was among those greeters. A hotel reception with a formal greeting from Mayor Kath followed later the first evening. There were many exciting events planned each day, including a formal ball that was attended by over 300 people from Pinneberg. The trip was exciting, fun filled and the residents of Pinneberg showed the citizens of Rockville a lot of warmth and kindness. It is hoped that the citizens of Rockville will give the delegation from Pinneberg the same warm treatment upon their arrival in October.
3. A thank-you to staff on the distribution of the AIDS brochure that was included in the September 10th issue of the Rockville Reports. Mayor Van Grack noted that the brochure was also written in Spanish. Councilman Hartogensis agreed with Mayor Van Grack that it was a job well done.
4. Mayor Van Grack noted that the City is still being plagued with the distribution of literature from the National Democratic Front, and all of Council agreed this is reprehensible and that the City should take a united stand against the National Democratic Front.
5. Mayor Van Grack noted that he will be at various elementary schools throughout the City to help celebrate the Bicentennial of the Constitution. Among those elementary schools he will be attending are College Gardens and Ritchie Park.

Re: Council's Report

1. Councilman Abrams commented on the Pinneberg trip noting the hospitality of the citizens there. Councilman Abrams noted the similarities between the two cities of Rockville and Pinneberg, they are approximately the same size, they are both county seats, they have the same concerns regarding development and transportation. Councilman Abrams did notice one difference, Pinneberg promotes traffic management. A lot of citizens walk, and the city planted trees in the middle of the road to discourage the use of cars and promote walking.

2. Councilman Coyle spoke of the overwhelming hospitality of the citizens of Pinneberg, and also noted there was a desire of the Pinneberg officials to broaden the exchanges between the two cities to include students and adults, to exchange ideas on economic development and youth employment. Councilman Coyle stated that he was impressed by the amount of support dedicated to families and women in the Pinneberg society. There seems to be a special effort to get women involved in politics, in as much as there must be a minimum number of women running in each election. Councilman Coyle encouraged a visit to Pinneberg by the citizens of Rockville.

Councilman Coyle announced that he had agreed to make a presentation to the Council of Governments on Public Safety at an upcoming conference, and that Jim Brady will read the Fire Prevention Proclamation while at the conference.

3. Councilman Duncan concurred with Council regarding the royal treatment that was shown them in Pinneberg. Councilman Duncan visited an elementary school while in Pinneberg and was impressed with the education system.

Councilman Duncan asked that the Rockville Pike Plan be discussed under New Business, and noted that the Rockville American Legion Baseball team had won the County and District championships.

4. Councilman Hartogensis noted the Pinneberg Festival was much like Rockville Day. He worked at one of the booths, and was fascinated with the citizens. Councilman Hartogensis also visited Berlin while in Germany, and said the differences in the economic situations of East Germany and West Germany were astounding.

Re: Appointments

Mayor Van Grack, with the concurrence of the members of Council, made the following appointments:

Public Education Advisory Commission - Joseph Good, appoint
1015 Gilbert Road

Richard Galen, appoint
1803 Cliffe Hill Way

2 year-term

Alternative Community Service Commission - Nancy Schmidt, appoint
6 Starlight Court

2-year term, alternate

Science and Technology Commission - Dr. Gerald Faich, appoint
711 Marshall Avenue

3-year term

Senior Citizens Commission - Patricia Bond, appoint, 3-year term
888 New Mark Esplanade

Rockville Scholarship Foundation Board - Olive Schwalm, appoint
623 Marcia Lane

Traffic and Transportation Commission - Nancy Cooper, re-appoint
1126 Halesworth Drive

2-year term

Re: Presentations

The Mayor and Council presented a plaque to Norman Bellingham in recognition of Outstanding Performance. Mr. Bellingham won two gold medals in the Pan-Am Games for the 500 meter single kayak and 1000 meter single kayak events.

Mayor Van Grack noted that it is with great pride that the Council makes this presentation, and wished Mr. Bellingham great success in his future.

The Mayor and Council presented Outstanding Service awards to those companies that supported the Rockville Rotary Youth Scholarship Twilight Run Fest. Included were Chestnut Lodge Hospital, Baier Properties, Inc., Maryland National Bank, Holiday Inn Crowne Plaza, Kimmel and Kimmel Inc., Pettit & Griffin, Inc., Eisinger Kilbane & Associates, Cable T.V. Montgomery and General Electric. Due to the support of these companies, there was \$11,000.00 donated to the Rockville Rotary Youth Scholarship Fund. The fund is used to help low income youth participate in City Recreation programs. It was noted that a total of \$27,200.00 has been raised in the last four years.

Mr. Patrick Woodward, president of the Rockville Rotary Club announced a new effort to fight polio. The Rockville Rotary Club has combined efforts with the Rotary International in an effort to raise \$125,000,000.00 for the prevention of polio. The program is called Polio Plus and if successful, would rid the nation of polio by 1995. The Rockville Rotary Club has committed to raise \$50,000.00 within the next five years for this purpose.

Re: Citizens Forum

The Mayor opened the meeting for all those citizens who wished to address the Mayor and Council.

1. David Broombach, Executive Director of the AIDS Foundation, commended the Mayor and Council for the distribution of the AIDS brochure. Mr. Broombach advised the Mayor and Council of the various services that the AIDS Foundation had to offer. Among those services were AIDS Hotline, and free lectures to churches, schools and synagogues. Mr. Broombach stressed the importance of a united effort to inform and educate youths about AIDS.

2. Richard Resnick, President of North Farm Civic Association, addressed the Mayor and Council stressing the importance of taking the strongest and most direct approach in stating the City's objection to the Fortune Parc plans. Mr. Resnick urged the City to request tree preservation along I-270 and Montrose and that the re-zoning request for Fortune Parc be denied. Mr. Resnick had brought several documents along with him, and Councilman Abrams asked Mr. Resnick to leave a copy of his comments for the City staff to review.

3. Joe Zetts, 121 Ritchie Parkway, asked for the help of the Mayor and Council concerning an ongoing problem of lunch time at Richard Montgomery High School. Mr. Zetts commented on the students disregard for traffic signs and speed limits at the Ritchie Center.

Councilman Coyle suggested that this subject be brought up under New Business for further discussion.

4. Charlotte Josephs, 4 Lorre Court, informed the Mayor and Council of the Ethnic Heritage Fair that will take place this weekend at the Wheaton Regional Park. There will be 60 booths, wood carving, quilting, 2 stages for performers, and other various crafts from different ethnic backgrounds. There will be plenty of food, all food prices are under \$1.00, and free coca-cola. Ms. Josephs also noted that AT&T will be attending the Fair and offering free 2 minutes calls to anywhere outside the continental United States. Ms. Josephs also wished to thank the Recreation Department staff for donating the use of one of the City's stages.

Re: Approval of On-site SWM
Waiver #1-88, 2400
Research Blvd.,
U-350-87

This 12.3 acre parcel of land is located along the west side of Research Blvd. in the Watts Branch drainage area. The property owner/developer - Research Grove Associates, proposes to build two office buildings on the site.

The proposed development will result in 8.23 acres of imperviousness. On-site methods of SWM were considered. An engineering analysis of the site indicated that SWM was not practical in this instance.

Staff recommends that a waiver be granted and that a contribution of \$164,000 (8.23 impervious acres at \$20,000 per acre) be accepted toward the City's off-site SWM program.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the request for SWM Waiver #1-88 was granted by the Mayor and Council.

Re: Approval of On-Site SWM
Waiver #2-88, 2101
Veirs Mill Road,
U-389-87.

This approximately 1.5 acre parcel of land, owned by Patrick & Margaret Hanna, is located on the southeast corner of Veirs Mill Road and Atlantic Avenue in the Rock Creek drainage area. The site is the former location of the Rustler Steak House which recently burned down. The developer, Sizzler Restaurant International, plans to demolish the remains of the old building and build a new building at a different location on the lot.

Staff recommends that a waiver be granted and that a contribution of \$22,600 (1.13 impervious acres at \$20,000 per acre) be accepted for the City off-site SWM program.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the request for SWM Waiver #2-88 was granted by the Mayor and Council.

Re: Award of Bid #12-88,
Restroom/Shower
Addition to Gymnasium
at Lincoln Park
Community Center

Invitations to bid were mailed to nine contractors and the bid was advertised in FW Dodge, Blue, Bid Net Reports, and the Washington and Frederick (MD) Post Newspapers. Sealed bids were received and opened at 2:30 p.m., August 27, 1987, in the Mayor and Council Chambers for construction of a Restroom/Shower Addition to the Gymnasium of the Lincoln Park Community Center. Three bids were received as follows:

<u>COMPANY</u>	<u>LUMP SUM BID</u>
Smith & Haines, Inc. Rockville, Maryland	\$120,398
Potomac Group, Inc. Germantown, Maryland	\$137,586
Century Enterprizes, Inc. Gaithersburg, Maryland	\$161,600

Project Description: This project involves the construction of a 640 sq. ft. restroom/shower addition to the gymnasium (with a block wall system) at the Lincoln Park Community Center on Frederick Avenue, Rockville, Maryland. The work includes construction of a single-story slab, on-grade addition consisting of separate men's and women's changing rooms, toilet room and shower facility, janitor's closet, and connecting corridor. Work included site grading, finish grade, and sod.

Funding: \$210,00 is allocated in the Capital Project Budget for the entire project including A & E HVAC work, and landscaping with sod. The construction estimate was \$150,000.

References: Staff checked three Smith & Haines, Inc. references involving similar construction contracts and their banking institution, and found the firm to be capable, cooperative and reliable.

Recommendation: Staff recommends an award to Smith & Haines, Inc. in the amount of \$120,398 as low bidder for the above-referenced project.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, bid #12-88 was awarded to Smith & Haines, Inc., for the construction of a restroom/shower addition to the gymnasium at the Lincoln Park Community Center.

Re: Award of Contract: Bid
#18-88, Traffic Signal
Rehabilitation

Bids were opened on Tuesday, September 8, for the reconstruction of traffic signals at Baltimore Road/Twinbrook Parkway, N. Washington Street/Martins Lane, and Nelson Street/Mannakee Street/Martins Lane.

This project is intended to bring older traffic signals up to the latest National standards, as well as to replace obsolete and often unreliable equipment. At all intersections, signal display will be improved and a full complement of pedestrian signals added. At the Nelson/Mannakee/Martins Lane intersection, traffic detectors will be installed, making the signal responsive to traffic for the first time.

Four bid proposals were sent out, not including those released to construction bid listing services. One bid was received as follows:

Hawkins Electric Company, College Park, MD	\$116,176.25
Engineer's Estimate	\$110,032.00

The single bid reflects the high demand and low supply currently prevalent in the traffic signal construction market. Though the bid slightly exceeds the estimate, the price is reasonable and funds are available.

Hawkins has performed considerable traffic signal work for the City previously, and their performance has generally been excellent. A completion date of December 30 has been scheduled for this project.

Staff recommends that Bid #18-88 be awarded to Hawkins Electric Company for its low bid of \$116,176.25.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, bid #18-88 was awarded to Hawkins Electric Company for Traffic Signal Reconstruction by the Mayor and Council.

Re: Adoption of Ordinance:
To Grant Text Amendment
Application T-84-87,
Peter S. Glassman,
D.V.M., Applicant, (to
permit veterinary
clinics in various
industrial and
commercial zones)

Ordinance No. 17-87

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Ordinance No. 17-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, granting Text Amendment Application T-84-87, to permit veterinary clinics in various industrial and commercial zones, was approved by the Mayor and Council.

Re: Introduction of
Ordinance: To Amend
Ordinance No. 10-87, to
Appropriate Funds and
Levy Taxes, FY88.

On motion of Councilman Hartogensis, there was introduced upon the table an ordinance amending Ordinance No. 10-87, To Appropriate Funds and Levy Taxes, FY88, said ordinance to lay over for at least one week.

Re: Adoption of Ordinance:
To Amend Chapter 4, of
the "Laws of
Rockville", entitled
"Elections", to clarify
provisions and correct
technical errors.

Ordinance No. 18-87

On motion of Councilman Hartogensis, duly seconded and unanimously passed, Ordinance No. 18-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending Chapter 4 of the "Laws of Rockville", entitled "Elections", to clarify provisions and correct technical errors, was approved by the Mayor and Council.

Re: Introduction of
Ordinance: To Amend
Chapter 10A of the
"Laws of Rockville"
entitled "Smoking
Prohibitions and
Restrictions" by adding
provisions regulating
smoking in eating and
drinking establishments
that seat less than 50
patrons.

On motion of Councilman Hartogenesis, there was introduced upon the table an ordinance to amend Chapter 10A of the "Laws of Rockville" entitled "Smoking Prohibitions and Restrictions" by adding provisions regulating smoking in eating and drinking establishments that seat less than 50 patrons, said ordinance to lay over at least one week before final action is taken.

Councilman Abrams noted that he had spoken to the Mayor of Beverly Hills and found out that the approximate cost to install separate ventilation systems for smoking and non-smoking sections is \$10,000.00.

Re: Adoption of Resolution:
To provide for public
hearing for annexation
petition, X-103-87.

Resolution No. 22-87

On motion of Councilman Hartogenesis, duly seconded and unanimously passed, Resolution No. 22-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, setting the public hearing date for annexation petition, X-103-87, for December 7, 1987.

Re: Introduction of
Resolution: To Enlarge
the corporate
boundaries of the City
to include 5.595 acres
of land on the north
side of Rt. 28,
opposite Research
Boulevard, X-103-87,
and place in the R-90
zone.

Councilman Coyle questioned staff on the location of the property, asking if this was the same piece of property that had previously been petitioned for annexation with the City. Assistant Director of Planning, Larry Owens, responded that it was the same property, but in the past, it was a combination of two parcels of land that was being considered for annexation, this particular application was only asking that one parcel of land be annexed.

On motion of Council Coyle, there was introduced upon the table a resolution to enlarge the corporate boundaries of the City to include 5.595 acres. A public hearing will be held on December 7, 1987. At the same time, the Mayor and Council will consider placing the property in the R-90 zone.

Re: Selection of Artist for
Art in Public Places
project.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved a \$30,000.00 commission to Barry Tinsley for the Gude Drive Art in Public Places Site.

Re: Presentation to
Citizens for
Participation in Art in
Public Places

The Mayor and Council presented certificates of appreciation to the following citizens for their participation in the Art in Public Places program:

Bert Kubli - Grants Officer Visual Arts Program of the National
Edowment for the Arts

Jerry Clappsaddle - Assistant Professor of Art at
George Mason University

John Tyner II - Chairman, Cultural Arts Commission

William Hickman - Neighborhood Representative

Jean Piccolino - Neighborhood Representative

Re: Decision and directions
to staff on proposed
alternatives to the
parking of recreational
vehicles in public
right-of-way.

The Mayor and Council discussed the alternatives for the parking of recreation vehicles in public right-of way. Two suggestions were noted, those being; permit parking or seasonal parking. City Manager Robinson responded that staff will look into each suggestion and come back with a report for the Mayor and Council on the feasibility of both.

Re: Approval of proposed
testimony on enabling
legislation to provide
for impact fees.

Councilman Duncan asked that Attachment B, submitted by the Planning Department, be included in the testimony on impact fees.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved testimony on enabling legislation to provide for impact fees as amended.

Re: Approval of Proposed
testimony for
Montgomery County
hearing on Fortune Parc
development.

Mayor Van Grack stated that he was glad to see the revised draft of testimony. that will be presented to Montgomery County regarding the hearing on Fortune Parc Development.

Councilman Abrams noted that he would like to see several items included in the testimony; a) note the differences between the Adequate Public Facility Ordinance and Standard Methodology, b) point out that the purpose behind the I-3 zone is for a transition, c) include the remarks on the sewer capacity.

All of the Mayor and Council agreed that the City's strongest point should be the pending M.E.L. agreement with the County and asked that that portion of the testimony be moved to the opening paragraph or the closing paragraph.

On motion of Councilman Abrams, duly seconded and unanimously passed, the testimony for the Montgomery County hearing on Fortune Parc development was tentatively approved as amended. Copies will be sent to the Mayor and Council for further comment prior to submission.

Re: New Business

1. Mayor Van Grack asked that more information on the Safeway proposal be provided to the Mayor and Council for the September 28th meeting.
2. Mayor Van Grack stated that he would like to see more specific proposals from the Community Services Department on the "Rockville Says No" drug program.
3. Councilman Duncan asked that staff make a recommendation to the Mayor and Council at the September 28th meeting in regards to funds for Rainbow House.
4. Councilman Duncan asked staff when the Rockville Pike Plan will be ready for distribution. Staff noted that the Planning Commission will vote on the Pike Plan on September 30th. Planning Commission Chairman, Dick Arkin, noted that the Commission should have the Pike Plan to the Mayor and Council by October 1st.

There was discussion on whether or when to schedule a public hearing. It was the opinion of a majority of the Council that a hearing should be held prior to adoption by the Mayor and Council. Councilman Abrams suggested holding a public forum and giving a preliminary review at that time, with the staff making the presentation to the public and Mayor and Council holding public forum.

It was decided that a technical presentation would be held on Monday, October 5th at 7:30 p.m., and a Mayor and Council dialogue on Monday, October 19th at 7:00 p.m. Both presentations will be held in the Council Chamber.

5. Councilman Abrams asked that staff look into the problems that citizens have been experiencing with gypsy moths in the area.

6. In light of the recent rent increases that have occurred within the City, Councilman Abrams requested that Mayor and Council discuss the adoption of a rent control ordinance that would establish a mandatory maximum rent increase each year.

He asked that this item be included on the September 28th agenda.

Re: Approval of Minutes

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the minutes of Meeting No. 35-87, August 24, 1987, were approved as written.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss personnel matters and consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:50 p.m. to convene again in general session on Monday, September 28, 1987, at 8:00 p.m. or at the call of the Mayor.